G. R. S. IX-5]

Previous references.

1896-97.
~~1917~~.
(L.R.)

File No. 29 of 96

Serial Nos. 1-11

Later references.

L R 295-30 C1-5)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 11

Major ~~Part~~ B for July 97.

SUBJECT.

Disposal of Hijja, Tamarind, jack and other fruit trees, standing on vacant building sites.

Commissioner's Circ

Indexed K.P.

W D 38—GI B—50,000—24-7-16

1894.

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 6th April 1894

No. 16919-27
R. 1699

Directing that the holders of building sites unoccupied by houses and backyards attached to them be called upon to pay a fair assessment on the area so occupied, and that in cases where the present occupants refuse to pay the assessment charged the land be declared to be the property of Government available to new applicants for building purposes.

M.G.C.P.B.—27-6-96—150.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue), dated 6th April 1894.

No. 16919-27—R. 1699, DATED, BANGALORE, 6TH APRIL 1894.

ORDER.—The occupation of *Grama-tan* (or village site) land for purposes other than dwelling is an undoubted abuse. Cases have frequently come to the notice of Government in which villagers have occupied such land on which they would neither build nor allow others to build, and the consequence is that Government are obliged to make rent free additions to the village sites, notwithstanding that there is enough of village site available for building purposes. Government therefore resolve to rule that the holders of village site land, unoccupied by houses and back-yards attached to them, be called upon to pay a fair assessment on the area so occupied. This will not only enable the Government to set apart assessed lands as additions to village sites when required, without needless loss, but also give good title to the occupants of lands and save all disputes as to whether the land is the property of Government or of the occupants. Where the present occupants refuse to pay the assessment charged the land may be declared to be the property of Government available to new applicants for building purposes.

L. ANANTASÂMI RAO,
Under-Secretary.

To—The Deputy Commissioners of Districts,
The Superintendent of Revenue Survey in Mysore,

Ex. l.—H.A.R.

question.

3 The Deputy Commissioner of Tumkur was also asked to enquire and report ~~whether~~ if the practice of selling the usufruct of such trees by Govt. ~~was~~ in general in his district.

Vide Srl: No (2)

4 The replies received from the Deputy Commrs are to the following effect:—

5 The Deputy Commrs of Bangalore states that the produce of the trees in question is enjoyed by their owners.

Vide Serial No: (12) Letter No 5339 of 25-11-96.

6 The Deputy Commr of Kolar in stating that the fruit trees in question are being enjoyed by the owners free of tax, reports that when a vacant building site is disposed of by Govt on auction it is sold together with trees

Serial No: (15) Letter No: 4982 of 19-12-97.

(5)

the following replies
to the Dy Commr of the Dt

208 of 1st August 1896
from the Dy Commr Chigtpet Dt

137/16 of 3rd August 1896
from the Dy Commr Shimoga Dt

127 of 21st August 1896
from the Dy Commr Kadur Dt

266/242 of 21st September 1896
from the Dy Commr Chitaldroog Dt

5339 of 27th November 1896
from the Dy Commr Bangalore Dt

708 of 29th January 1897
from the Dy Commr Hassan Dt

4982/1149 of 19th June 1897
from the Dy Commr Kolar Dt

454 of 23rd November 1896
from the Dy Commr Tumkur Dt

Print in extenso.

---

der thereon. No 1372-
R7-161-96 dt 31/7/97.

Govt observe that the
present system of disposing
the products of Hirbe & Myn
mit trees standing on
served waste &

Draft as per cr

Read:—

Letter No 48, dy 13th
from the Dy Commr, T
Dt soliciting instruc
as to the disposal of Hip
Tamarind &c fruit tr
found in macant pi
belonging to private indiv
which are annexed m

Govt Pro: No 16919-27
R·1699
April 1894.

(2) ~~Also~~ this office of
memorandum No 880
R·3
dy 23-7-96 requesti
dy Commissioner of
the Districts (except
to report the practice
in their Dt as rega
disposal of the produ
Hippe, Tamarind, Jack
fruit trees standing
macant buildings
belonging to private

(3) Also this office does
No 887 dy 23-7-96 to
R·350
Dy Commr, Tumkur
enquiring if the pra
of selling the usufr
of Hippe &c fruit tre
at Amarian sales is
in the Tumkur D

trees standing thereon and the party purchasing it is allowed to enjoy them free of tax.

The Deputy Commissioner of Mysore states that fruit-trees on such sites are the property of the owners of the sites and therefore they deal with them as they like.

Vide Serial No (4).
Letter No: 2089/1-8-96

The Deputy Commissioner of Hassan in reporting that there is no uniformity of practice throughout the District, states:-

Vide Serial No (13).
Letter No: 7089/29-1-97

(1) That in the Taluks of Arkalgud & M. Narsipur trees standing on vacant building sites whose ownership is established beyond doubt

thereof.

Vide Serial No (5)
Letter No: 266-2029 21-2-96.

// The Deputy Commr. of Chittaldrug states that in the majority of cases the produce of Mahuda trees standing on vacant building sites belonging to private individuals is being enjoyed by the owners of such sites. and it is only in very few instances, where the right to such produce is reserved to Government according to the terms of the sale of sites, the produce is sold by Govt and the sale proceeds are credited under village "Amarai" subordinate to the head "Land Revenue Miscellaneous".

12 With reference to the query whether the practice of selling the usufruct of such trees is general in the Tanjore District, the Deputy Commissioner states that in all the Talukis except Paragada the produce (fruit) of such trees standing on private vacant sites as have not been made over to the owners thereof is annually sold along with the Village Amaraï and the sale proceeds credited to Government; and while in the Paragada Taluk such trees, ~~have been~~ on vacant building sites,

Vide Serial No. (11)
Letter No 454 dt 23-11-98

6f

sites have been made over

to the owners at a valuation

Submitted to secretary

Unless specially reserved
at the time of grant,
the produce of the
trees on vacant building
sites owned by private
individuals becomes
the property of the owners
concerned. All the
Orders except Number
are of the same opinion.

The second report of
the Number Orders
shows that there are
cases in which trees
have not been made
over to the owners of
the ~~trees~~ sites. It is not
clear on what ground
such a reservation
of trees was made
and how many cases
of the kind exist through
out the District.

The produce of trees
on Govt sites & Khasra
land belonging to Govt
must go to Govt

12/7/97

d Number 6

X Scinde
No 11

Ended 2-2 Qr.

The reservation of Govt right to trees standing on Waste lands which may be removed by the Purchaser of such right at a fair valuation – In future sales of Govt waste lands, it seems necessary to make any such reservation –

C.

R07.20fm
21/7/97

21-7-97

The present system is not founded upon any natural basis – It is not moreover uniform and the reservation seems wherever has made on no principle in a very few places. The practical is retained. where such trees are at present enjoyed as private rights with of course much done. In those cases, however, in which the reservation has been made and the produce included in the sale of the annual produce the right of Govt in the tree may be made over to the purchaser on surrendering the land on which such trees stand for a fair valuation. Hereafter no reservation of fuel & trees will be made when such sites in villages are sold and their value will be taken into consideration with that of the site sold.

Drafted #2 23/7/97 Printed 1 p. Wtd 22.7.97

LR
29-96

Subject to Govt Sec

Is please to grant [illegible] special
Fuel to native Chiefs during the
Circumcision [illegible] 18/7/96

Jan. 31

REVENUE DEPART
Gl. No. 376
No. 2 46
1896
CEYLON

From The Deputy Commissioner
Eastern District

To The Secretary to the Govt.
of Ceylon Land and Rev:
Department

Dated 31st July 1896.

Despatched 1st Aug 1896

Received

General No. 48
No.

Enclosure No.

Existing instructions as
to the disposal of Field
Cinnamon &c. fruit trees
found in vacant circumstances
are quoted and called for
Govt. at Cinnamon Sales.

There is a general question
of some importance
cannot be disposed of
in the absence of
complete information.

As to the practice
of selling the usufruct
of such trees found
in the Cinnamon &c.
lots at the periodical
sales of Crown Property

22-7-96.

Draft
22/7
[illegible]
22/7
Drafted
23/7/96

Rec 15.7.96

[illegible]

Sales
18/7

Interim Rec for Rules

18/7/96

No: 48

Jaffna District

Deputy Commissioners office

Jaffna 13th July 1896.

To

The Secretary to the Government

of Ceylon, General and Revenue

Departments

Sir

I have the honor to solicit instructions as to the disposal of Hillé Jamarind, Jack and other fruit trees found in vacant sites belonging to private persons and which have been brought under assessment or under the terms of Government Proceedings No: 169.7-7 / R1699 dated 1st April 1874. These trees have been annually sold by Government at the annual sales and are therefore not the property of private persons. On a reference, however, from the Deputy Surveyor of Varanesi Vale Zalitz, my predecessor has expressed the opinion that it is preferable to make over such trees

4

2 Orange Tree Orders

(2)

To.

The Dy Commr
Tanduri District

Dated

No 887 d/ 23-7-96
R350/-

LR
29-96
2

The Dy Comm's letter No 4 & 13th July 1896 Soliciting instructions as to the disposal of Nippé, Tamarind, Jack and other fruit trees standing on vacant building Sites belonging to private persons, which have been ~~ordered~~ removed as directed in Govt Pro: No 1691J-27 & R·1699 6th April 1894

Referring to the above, has the honor to ~~request to be informed whether~~ enquire of the practice of Selling the usufruct of such trees by Govt to generals in the Tanduri District.

"Boy Order"

Stripe under

23/7

23/7/96 N. for Secretary

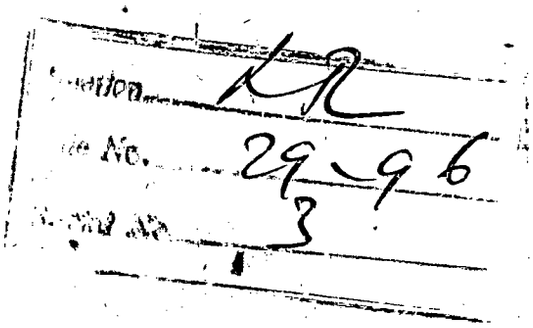
S-2 Draft to Asst Secretary

3

No 880-86 / 23-7-96

R349

Official Memorandum



The Deputy Commrs of Districts (except Tinukur) are requested to report the practice obtaining in their Districts as regards the disposal of the produce of Hilfé, Jamarind, Jack and other fruit trees standing on vacant building sites belonging to private individuals, ~~which may have been brought under~~ subject to assessment under the terms of Govt Proceedings No 1619-27 R. 1699 dated 6th April 1894.

By Order,

Asst Secretary

23/7/96

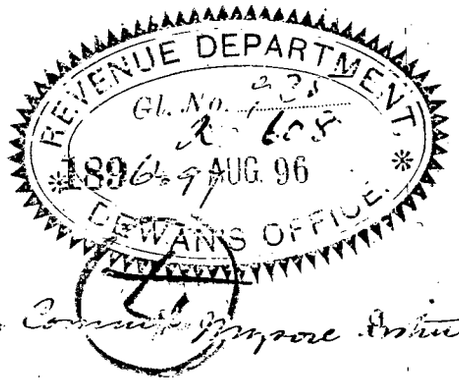
for Secretary

23/7

23/7/96

6

Gen. 31]



From Rd by Commr Mysore Instt

To The Secretary to the Govt
of Mysore
Rev: and Genl: Depts

Dated 1st Septr 96.

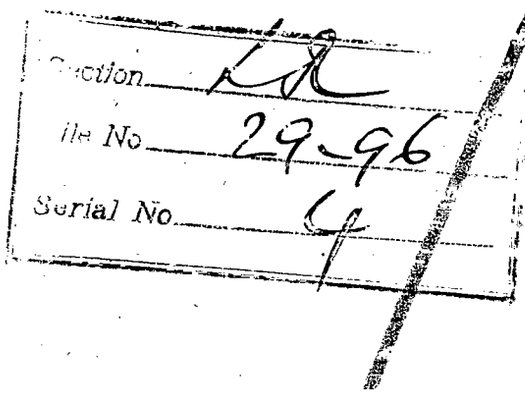
Despatched

Received

General No.
No. 208

Enclosure No.

States that the produce of fruit trees standing on vacant building sites belonging to private individuals is disposed of by the owners of such sites. —



Rec
4.9.96.

Mr Cantlie &
Mr
Mr Lutts

Acco publish
SRJ
7/9.

No. 208
Enclosures No. —

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore, August 1st 1896.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your official Memorandum No. 880-6 / R 349 dated the 23rd July 1896, enquiring of the practice in this District regarding the disposal of the produce of fruit trees standing on Vacant building sites belonging to private individuals, I beg to state that fruit trees on such sites are the property of the owners of the sites and therefore, they deal with them as they like.—

I have the honor to be
Sir,
Your most obed't servant

K. Venkatanarayya
Dy. Commissioner,
Mysore District

in Government vacant building sites is sold by public auction with the village Council annually.

Assistant
Deputy Commissioner
Lunenga District

practice in this District
of the owners such sites
the full right to the
and the produce thereof.

W Kumaran Link

For Deputy Commissioner
Kadur District

(19)

Gen. 31]

REVENUE DEPART
Gen. No. 1519
Rev. No. 1072
24 AUG 96
189
MAN'S OFFIC

From The Deputy Commissi
Kadur Distric

To The Secretary to Governme
Genl. & Rev. Departmen

Dated 21st

Despatched 22nd August 96

Received

General No. 127
No. 1896-97.

Enclosure No. nil

In reply to Secreta
Memo. No. 880-6 / R 349 dated
Ultimo, calling for a repo
as to the practice obtain
in this District as rega
the disposal of the prod
of Hippe and other fo
trees standing on va
building sites belong
to private individu
subject to assessme
under the terms of Go
ment Proceedings No.
dated 6th April 1894,
the honor to state th

Section
File No 29-96
Serial No 6

in Government vacant buil
sites is sold by public auctio
the village Amrai annual

Deputy Commissione
Shimoga Distri

1896

(92).

From

The Deputy Commissioner

Savanaga District

To

The Secretary to Government

General and Revenue Departts

dated 3d August 1896.

No 137/116

Government Official Memorandum

No 880-6/349 dated 23d Instant requesting

to report the practice obtaining in the

District as regards the disposal of the

produce of Kappe, Tamarind and other

fruit trees standing on vacant building

sites belonging to private individuals

subject to assessment.

With reference to the above, has the

honor to state that the produce of fruit

trees standing on vacant building

sites subject to assessment is enjoyed

by the occupants while the produce

Gen. 31

1028
67

1896

From
The Sybourniscon
Shimoga Dist

To
The Secretary to Gover
General and Revenue

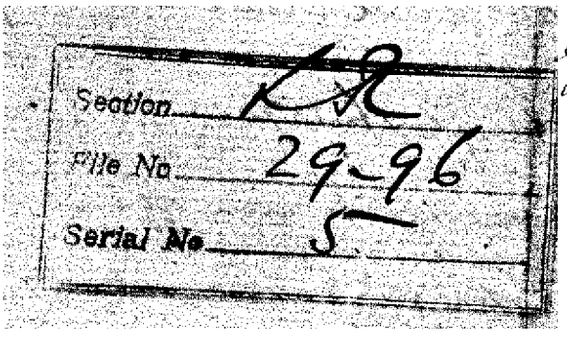
Dated

Despatched 3d August 189

Received

General No. 137
No. 11

Enclosure No.



(93)

With reference to his
Memorandum No 88
3
dated 23d Instant re
upon the practice as
gards the disposal of
produce of Sippe, Jam
and other fruit trees
ing on account build
&c.

Sir
I have the
Your
1915 6/8/96

Gen. 31.]

13

REVENUE DEPARTMENT
Gl. No. 2334
R. No. 1662
24 SEP. 96
DEWAN'S OFFICE

For
Mr. Abstract
Noted

From The Secretary to Government
Chikkaballapur District

To

The Secretary to the Government
Revenue of Mysore.
Revenue and Rev. Department

Dated 21st September 1896

Despatched 23rd

Received

General No. 266.
No. 242

Enclosures No.

Section LR
File No 29-96
Serial No 87

With reference to the Revenue Official Memorandum No. 586-6 dated 23rd July 1896, R. 349 I have the honour to state that in the majority of cases the produce of Sirgiri, Seemai, Jaggery and other Commissions standing on Private Building Sites belonging to Private individuals is being enjoyed by the owners of such Sites but it is only in very few instances where the right to such produce is reserved to Government according to the terms of the Sale deeds that the produce is sold by Government and the Sale proceeds are credited under Village Accounts subsidiary to the head "Land Revenue Miscellaneous".

Deputy Commissioner.

Gen. 31

REVENUE DEPARTMENT
Gl. No. 3422
25 NOV 96
DISTRICT OFFICER'S OFFICE

From Deputy Commissioner
Timaru District.

To Secretary to the Board
of Income-Tax and New
Departments.

Dated 23rd November 1896

Despatched 24th —do—

Received

General No. 4574
No.

Enclosure No.

Re Section 88
of 1896 / 1896 / 7 23?

July 1896.

Reports the practice
existing in the District
regarding the sale of
material of fruit trees
standing on vacant
building site belonging
to private persons.

Letter
File No. 29-96
Serial No. 8

Rec'd 25 Nov 96

No. 454 Deputy Commissioner's Office

Jaunpur District

Dated, Jaunpur, the 25th January 1896

To

The Secretary to the Government
of the North Western Provinces and Oudh
Revenue Department

Sir,

With reference to your Docket
No. 80/A 3rd dated the 20th July 1895 enquiring
if the practice of the Government
selling the usufruct of fruit trees
standing on vacant land belonging to private persons
has been sanctioned as directed in
Government Proceedings No. 1a. 2-27/C. 699
dated the 6th April 1894 in general in
this district, I have the honor to state
that in all the Tahsils except Zamyadan
the produce of such fruit trees stand-
ing on private vacant sites have
not been made over to the owners
thereof in consequence of their joining
the village community and the pro-
ceeds credited to Government.
The Tahsildar of the Zamyadan
Tahsil reports that wherever trees

Dated at Prince Albert this
[illegible] day of [illegible] 1911.

I have the honour to be
Sir
Your most obedient Servant
Richard Reid
Deputy Commissioner
Dominion Lands
Winnipeg Manitoba

2

to the proprietor of the site at a
tion. The Deputy Amildar has
sought orders as to whether the
be given effect to in all cases
I beg to be instructed in the ma

98

I have the honor to be
Sir
Your most obedient Servan
Mr Narain Rao
Deputy Commissio
Tumkur District

Rev
27.11.96

17

Gen. 31

REVENUE DEPARTMENT
Gl. No. 3561
C 2.5.4
28 NOV. 96
1896
MAN'S OFFICE

72

From
The Dy. Commissioner
Bangalore Dist.

To
The Secretary to the
Government of Mysore
Revenue and Genl. Depts.
Bangalore.

Section 72
File No 29-96
Serial No 9

Dated 25th
Despatched 27th November 1896.
Received

General No.
D No. 533

Enclosure No. —

With reference to
Government official
memo No. 880-6 dated
R. 349
2nd July 1896, has the
honor to state that
the produce of Wellie,
Tamarind, jack and
other fruit trees on
vacant building sites
belonging to private in-
dividuals is enjoyed in
this District by their

Rd.
30.11.96

owners.

2. The assessment of these detas has not yet been fully carried out. Vide this office n°. 2 dated 17th. Instant.

I Remain &c.
[illegible]

W. Pleasance Cunningham
Ex. Commissioner.

Gen. Serial No. 30.]

REVENUE DEPARTMENT
FEB 97

1897

From

The Deputy Commissioner
Hassan District

To

The ~~Chief~~ Secretary to the
Government Dewan of Mysore.
General and Revenue Department
Bangalore.

Section R.C.
File No. 29-96
Serial No. 10

Dated 29th } January 1897
Despatched "

Received

Enclosures No. nil

General No.
No. 708.

In reply to Sec: 380-6 & 349 dated 23rd Jan 1896.

SUBJECT.

Submitting reports as to the practice obtaining in this District, as regards the disposal of the produce of Sapé & other fruits standing on vacant & waste lying areas belonging to private individuals

References (to be entered only in the Dewan's Office.)

Rev 1/297

No. 708
Rey

Deputy Commissioner's Office,
Hassan District.

Dated Hassan, 29th January 1897.

From,

The Deputy Commissioner,
Hassan District.

To,

The Secretary to the
Government of Mysore,
Revenue and Rev: Department,
Bangalore.

Sir,

With reference to your official memorandum No. 880—6 / R. 3469 Dated 23d. July 1896, calling for a report as to the practice obtaining in the District, as regards the disposal of the produce of Jack, Jamarind, Jack and other fruit trees standing on vacant building sites belonging to private individuals subject to assessment under the terms of Government Proceedings No. 1692—27 / R. 1699 Dated 6th April 1894,

I have the honor to state that there is no uniformity of practice throughout

throughout the District in the

matter.—

2 —— The Auditors of Haveri,

Hirekerur and Ranebennur

report that free standing or

vacant building sites whose

ownership is established beyond

doubt are not taxed, but those

"Kathari" and Khanale lands are

subjected to the "Thuraya" sale.

The Auditors of Shiggaon, Patan

Belur and Navalur state that only

such trees as were subjected to

the Thuraya Kandaya are exempt

from before the Survey settlement

are brought under the Thuraya"

sale, the exemption extending only

to cases in which people have

enjoyed

rejarabad only a
jack trees which
d been originally
ed (Maravalli) are
d annually.

Deputy Commissioner
enquiry states that
produce of trees on
nt building sites
t to assessment is
d by the occupants
e the produce in
vacant buildings
is sold by public
on with the village
ad annually.

The Deputy Commr. of
ur reports that the
of the trees in question
the full right to
ees and the produce
-- there of

(31)

Vide Serial No: (5)
Letter No: 137 & 3-8-96.

Vide Serial No (6)
Letter No: 127 & 21-8-96.

(35)

doubt were not ~~exempted~~
but those on "Anik
and "Kharab" land
subjected to the "Amar

(2) That in the Taluka
Kheera avagrapatna,
and Arakere only su
trees as were subjecte
to the Amarayi Kan
even ~~for~~ ~~since~~ ~~before~~ ~~O~~ from ~~perusal~~ ~~to~~ ~~bef~~
Survey Settlement
brought under the
Amarayi sale, th
Exemption extend
only to cases in whi
people have enjoyed
the fruits free from a
long time.

(3) That in the Sub Taluk
Here all the trees
vacant sites are
under the "Amara
sale.

(4). That in the Talu

enjoyed the privilege from a long time. No change in this respect has been introduced since the receipt of Government order No. 6919-27 R. 1699 dated 6th April 1894 above referred authorizing the levy of assessment on vacant sites. The Deputy Conservator of Forests says that all the trees on vacant sites are brought under the "Amanaji" sale. Whereas, the Conservator of Nanjanabad reports that as there are very few such trees in his Taluk, a few jack trees which had been originally taxed ("Amanali") are sold annually.—

I have the honor to be,
Sir,
Your most obedient servant,

[signature]
for Asst. Commissioner
Bidar Dist.

[signature]
11

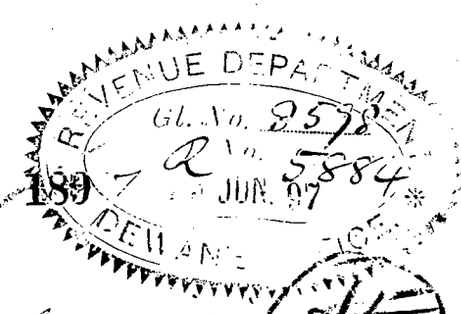
Rev 21.6.97

Subd
Replies are complete.
24/6.

28/6/97

Rec 29/6/97 Submitted with Memo
Rec 29/6/97 aun
3/7/97
5/7/97

Gen. 31.] 28



1897

From The Chief Commissioner
Coorg

To

The Secretary to the
Dewan of Mysore.

Section
File No 29-9C
Serial No 11

Dated 19th June
Despatched 19th
Received

General No. 4982
No. 1149

Enclosure No.

In official Memorandum No 880-6 of the 23rd July 1896 calling for a report as to the practices obtaining in this District as regards the disposal of Ryotté, Unarimd, Devadaya and Sri-Gandha Vacant including Ulti charging to private individuals.—

In reply, I have the honor to state that from the reports received from the Amildars and Ryotté Amildars it would

trees ~~have~~ had been annually
by Govt at the Amrai
and ~~are~~ were therefore not
property of private persons; (38)
that on a reference
the Deputy Amildar
ravekere, his predecessor
~~expressed~~ was of the opinion
it ~~is~~ was preferable to
over such trees
e proprietor of the
t a valuation.

he question being
dered to be one of some
al importance, the
Comms of Disbricts (except
t of Tumkur) were requested
ort the practice pre-
g in their Disbricts as
ds the disposal of
roduce of the trees in
question

Vide Serial No. (3)

CHIEF SECRETARY'S OFFIC

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Disposal of Hoppé, Jam
Jack and other Fruit
standing on Vacant bu
sites.

LAST REFERENCE. Letter No. 4982/1149 dated 19th June
from the Deputy Commr. Kola

The Deputy Commissi
of Trincomalee solicited
instructions as to the disp
of Hoppé &c fruit trees
in vacant sites belongi
to private persons and
have been brought u
assessment under
terms of Govt. Progs.
16919-27/R1699 dated 6th April
He further reporte

Vide Serial No 1

* Spare Copy Kept.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue), dated 6th April 1894.

No. 16919-27—R. 1699, DATED, BANGALORE, 6TH APRIL 1894.

ORDER.—The occupation of *Gram-tan* (or village site) land for purposes other than dwelling is an undoubted abuse. Cases have frequently come to the notice of Government in which villagers have occupied such land on which they would neither build nor allow others to build, and the consequence is that Government are obliged to make rent free additions to the village sites, notwithstanding that there is enough of village site available for building purposes. Government therefore resolve to rule that the holders of village site land, unoccupied by houses and back-yards attached to them, be called upon to pay a fair assessment on the area so occupied. This will not only enable the Government to set apart assessed lands as additions to village sites when required, without needless loss, but also give good title to the occupants of lands and save all disputes as to whether the land is the property of Government or of the occupants. Where the present occupants refuse to pay the assessment charged the land may be declared to be the property of Government available to new applicants for building purposes.

(40)

T. ANANTASAMI RAO,
Under-Secretary.

To—The Deputy Commissioners of Districts,
The Superintendent of Revenue Survey in Mysore,

Exd.—H.A.R

Never appear that
the Court have referred
to it the above, we
being required by the
order free of stat.

P. Nesbitt Esq. on behalf
of the Government and Dockyard
at Woolwich together with
Trees, Timber & Stores
and Repairs, Purchasing
is allowed to register them
free of stat.

M. Murray
Principal Examiner
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belonging to private persons is not founded on any rational basis. It is not moreover uniform & the reservation seems to have been made on no principle in a very few places. The practice is vexatious. Where such trees are at present enjoyed as private rights nothing of course need be done. In those cases however, in which the reservation has been made & the produce included in the sale of ~~trees~~ timber produce the right of Govt in the trees may be made over to the parties owning the land on which such trees stand, for a fair valuation. In future no reservation of trees will be made when such sites in villages are sold & their value will be taken into consideration with that of the site sold.

28/7/97

To The Deputy Commissioner of Police
Fiji Sept. New Survey

29/7/97 27/7/97 Police 28/7/97 Secretary.

READ:—

Letter No. 48, dated 13th July 1896, from the Deputy Commissioner, Tumkur district, soliciting instructions as to the disposal of hippe, tamarind, &c., fruit trees, found in vacant sites belonging to private individuals, which are assessed under Government Proceedings No. 16919-27—R. 1699, dated 6th April 1894.

2. This office Official Memorandum No. 880-86—R. 349, dated 23rd July 1896, requesting the Deputy Commissioners of all the districts (except Tumkur) to report the practice obtaining in their districts as regards the disposal of the products of hippe, tamarind, jack and other fruit trees standing on vacant building sites belonging to private individuals.

3. ALSO:—This office docket No. 837—R. 350, dated 23rd July 1896, to the Deputy Commissioner, Tumkur district, enquiring if the practice of selling the usufruct of hippe, &c., fruit trees by Government at Amarayi sales is general in the Tumkur district.

And the following replies of the Deputy Commissioners of the Districts.

(1) No. 203, dated 1st August 1896, from the Deputy Commissioner, Mysore district.

With reference to your Official Memorandum No. 880-6—R. 349, dated the 23rd July 1896, enquiring of the practice in this district regarding the disposal of the produce of fruit trees standing on vacant building sites belonging to private individuals, I beg to state that fruit trees on such sites are the property of the owners of the sites and therefore they deal with them as they like.

(2) No. 137—11C, dated 3rd August 1896, from the Deputy Commissioner, Shimoga district.

Government Official Memorandum No. 880-6—R. 349, dated 23rd instant, requesting to report the practice obtaining in the district as regards the disposal of the produce of hippe, tamarind and other fruit trees standing on vacant building sites belonging to private individuals, subject to assessment.

With reference to the above, has the honor to state that the produce of fruit trees standing on vacant building sites subject to assessment is enjoyed by the occupants, while the produce in Government vacant building sites is sold by public auction with the village Amarayi annually.

(3) No. 127, dated 21st August 1896, from the Deputy Commissioner, Kadur district.

In reply to Secretary's Memo No. 880-6—R. 349, dated 23rd ultimo, calling for a report as to the practice obtaining in this district as regards the disposal of the produce of hippe and other fruit trees standing on vacant building sites belonging to private individuals, subject to assessment under the terms of Government Proceedings No. 16919-27—R. 1699, dated 6th April 1894, has the honor to state that the practice in this district is that the owners of such sites have the full right to the trees and the produce thereof.

(4) No. 266—242, dated 21st September 1896, from the Deputy Commissioner, Chitaldrug district.

With reference to the Government Official Memorandum No. 880-6—R. 349, dated 23rd July 1896, has the honor to state that in the majority of cases the produce of hippe, tamarind, jack and other fruit trees standing on vacant building sites belonging to private individuals is being enjoyed by the owners of such sites, and it is only in very few instances where the right to such produce is reserved to Government according to the terms of the sale of sites, that the produce is sold by Government and the sale proceeds are credited under Village Amarayi subordinate to the head "Land Revenue, Miscellaneous."

(5) No. 533, dated 27th November 1896, from the Deputy Commissioner, Bangalore district.

With reference to Government Official Memo No. 880-6—R. 349, dated 2nd July 1896, has the honor to state that the produce of hippe, tamarind, jack and other fruit trees on vacant building sites belonging to private individuals is enjoyed in this district by their owners.

2. The assessment of these sites has not yet been fully carried out, *vide*, this office No. 2, dated 17th instant.

(6) No. 708, dated 29th January 1897, from the Deputy Commissioner, Hassan district.

With reference to your Official Memorandum No. 880-6—R. 349, dated 23rd July 1896, calling for a report as to the practice obtaining in the district as regards the disposal of the produce of hippe, tamarind, jack and other fruit trees standing on vacant building sites belonging to private individuals, subject to assessment under the terms of Government Proceedings No. 16919-27—R 1699, dated 6th April 1894, I have the honor to state that there is no uniformity of practice throughout the district in the matter.

2. The Amildars of Hassan, Arkalgud and Holé-Narsipur report that trees standing on vacant building sites whose ownership is established beyond doubt are not taxed, but those on "Sarkari" and kharab lands are subject to the "Amarayi" sale. The Amildars of Channarayapatna, Belur and Arsikere state that only such trees as were subjected to the Amarayi kandayam even from before the survey settlement are brought under the "Amarayi" sale, the exemption extending only to cases in which people have enjoyed the fruits free from a long time. No change in this respect has been introduced since the receipt of Government Order No. 16919-27—R. 1699, dated 6th April 1894, above referred authorizing the levy of assessment on vacant sites. The Deputy Amildar of Alur says that all the trees on vacant sites are brought under the "Amarayi" sale. Whereas, the Amildar of Manjarabad reports that as there are very few such trees in his taluk, a few jack trees which had been originally taxed ("Maravali") are sold annually.

(7) No. 4982—1149, dated 19th June 1897, from the Deputy Commissioner, Kolar district.

His Official Memorandum No. 330-6—R. 349 of the 23rd July 1896, calling for a report as to the practice obtaining in this district as regards the disposal of hippe, tamarind, jack and other fruit trees standing on vacant building sites belonging to private individuals.

In reply, has the honor to state that from the reports received from the Amildars and Deputy Amildars, it would appear that the fruit trees referred to in the above, are being enjoyed by the owners free of tax.

When a vacant building site is disposed of by Government on darkhast, it is sold together with trees standing thereon and the party purchasing is allowed to enjoy them free of tax.

(8) No. 454, dated 23rd November 1896, from the Deputy Commissioner, Tumkur district.

With reference to your docket No. 887—R. 350, dated the 23rd July 1896, enquiring if the practice of the Government selling the usufruct of fruit trees standing on vacant building sites belonging to private persons, which have been assessed as directed in Government Proceedings No. 16919-27—R. 1699, dated the 6th April 1894, is general in this district, I have the honor to state that in all the taluks except Pavagada the produce of such fruit trees standing on private vacant sites as have not been made over to the owners thereof is annually sold along with the village Amarayi and the sale proceeds credited to Government. The Amildar of the Pavagada taluk reports that wherever trees existed on vacant building sites they were made over to the owners at a valuation.

No. 1372-80—R. F. 161-96, DATED, BANGALORE, 31ST JULY 1897.

ORDER THEREON.—Government observe that the present system of disposing of the products of hippe and other fruit trees standing on assessed vacant sites belonging to private persons is not founded on any rational basis. It is not moreover uniform and the reservation seems to have been made on no principle in a very few places. The practice is vexatious. Where such trees are at present enjoyed as private rights, nothing of course need be done. In those cases, however, in which the reservation has been made and the produce included in the sale of Amarayi produce, the right of Government in the trees may be made over to the parties owning the land on which such trees stand, for a fair valuation. In future, no reservation of trees will be made when such sites in villages are sold, and their value will be taken into consideration with that of the site sold.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.
The Superintendent of Revenue Survey in Mysore.

Exd.—H.A.R.

1897-98

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 31*st July* 1897

No. $\frac{1372\text{-}80}{\text{R. F. }161\text{-}96}$

Passing orders with certain observations, on the subject of the disposal of hippe, tamarind and other fruit trees found in vacant sites belonging to private individuals.

M.G.C.P.B.—26-8-97—120